

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

Penalty.

Approved, June 3, 1878.

CHAP. 151.—An act for the sale of timber lands in the States of California, Oregon, Nevada and in Washington Territory.

June 3, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California, Oregon and Nevada and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes", shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Timber and stone lands in California, Oregon, etc., to be sold.

Proviso.

Proviso.
1866, ch. 262,
14 Stat., 251.
R. S. 2339, p. 432.
R. S. 2340, p. 432.
R. S. 2341, p. 432.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, shall be null and void.

Application for purchase.

False swearing in application.

- Publication of application.** SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office, shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land-office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land-office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.
- Facts to be proved.**
- Entry and patent.** 1872, ch. 152, 17 Stat., 95. R. S. 2238, p. 394.
- Objection to patent.**
- Cutting timber unlawfully.** SEC. 4. That after the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars: *Provided*, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.
- Penalty.**
- Proviso.**
- Certain prosecutions; relief from.** R. S. 2461, p. 453.
- Proviso.**
- Proviso.**
- R. S. 4751, p. 932. Repealed in part.
- SEC. 5. That any person prosecuted in said States and Territory for violating section two thousand four hundred and sixty-one of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the States and Territory herein named.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeals.
 Approved, June 3, 1878.

CHAP. 152.—An act to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States. June 3, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the notices of contest now provided by law under the homestead, pre-emption, and tree-culture laws of the United States shall, after the passage of this act, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land. Notice of contest under homestead, etc., law, how published.

Approved, June 3, 1878.

CHAP. 154.—An act to alter and amend a law of the District of Columbia relative to the inspection of flour. June 4, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act of the legislative assembly of the District of Columbia, approved August twenty-first eighteen hundred and seventy-one, entitled "An act relating to inspection of flour" be, and the same is hereby, amended so as to read: District of Columbia.

"That all and every barrel and half-barrel of flour manufactured in the District, or brought to the same for sale, shall be subject to the examination of the inspector, by boring, searching, and trying it through with an instrument not exceeding five-eighths of an inch in diameter, to be provided by the inspector for that purpose, who shall afterwards plug up the hole with a round plug made of soft wood, so as to prevent the entrance of water, and if the inspector shall judge the same to be merchantable according to the direction of this act, he shall, at the time of inspecting, mark or brand on the head or quarter of every barrel and half-barrel of flour, in letters one-half inch in length, the word "Georgetown", if inspected in Georgetown, and "Washington", if inspected in Washington, together with the word or words designating the degree of fineness which he shall, at the time of inspection, determine said flour entitled to, with the exception of the degree of superfine, which he shall mark or brand over the quarter; and the several degrees in quality shall be distinguished as follows: Family, Extra, Superfine, Fine, and First Middlings. And for the inspection of which the said inspector shall have and receive of the owner or agent of said flour, for each and every barrel and half-barrel, one cent and one drawing of flour for all inspected in Washington or Georgetown; and every barrel or half-barrel of flour which shall prove, on examination thereof, to be unmerchantable, according to the true intent and meaning of this act, the said inspector shall mark on the head or quarter with a broad arrow, and no barrel or half-barrel of flour, not examined and branded by the inspector as aforesaid, shall be sold within the District, under penalty of one dollar for each and every barrel or half-barrel, to be paid by the person or persons so offending. Flour inspection in.
Branding of merchantable flour.
Unmerchantable flour.
Selling flour not branded.

Approved, June 4, 1878.

CHAP. 155.—An act making appropriations for the consular and diplomatic service of the government for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes. June 4, 1878.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the fiscal year Appropriations.